

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 10, 12-19, 36, 38-44, 52-61, and 68-95 are pending in the present application; Claims 88-95 having been newly added, and Claims 10, 16, 36, and 42 having been amended by way of the present amendment.

This amendment is responsive to the Decision on Appeal mailed December 23, 2003. As new grounds of rejection were instituted, under 37 C.F.R. § 1.196(b), the Applicant is entitled to submit an amendment within two months of the date of rejection.

The application contains four independent claims, Claims 10, 16, 36, and 42. Each of these claims has been amended by way of the present amendment to recite two features. A first feature now recited in the independent claims is that electronic mail or an electronic mail message is transmitted *using an Internet e-mail protocol*. This change is supported by the originally filed Application at p.18, line 13. Similarly, see the related patent 5,819,110 at col. 8, line 16. As neither Kraslavsky nor Cohn disclose or suggest the use of an electronic mail message, e-mail, or an Internet e-mail protocol as recited in each independent claim, the pending claims are patentable over each of these patents. Applicant does not acquiesce to the Board's definition of email. However, in the interest of advancing prosecution of this application at a reasonable cost, the Applicant has amended the claims, rather than submit an additional declaration on this issue.

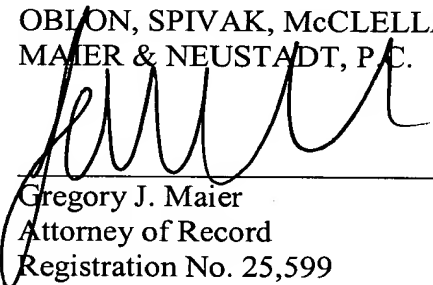
A second feature added to each of the claims is that the monitored device or machine is selected from the group consisting of a printer, a facsimile machine, a facsimile server, a scanner, a copier, a metering system, and a vending machine. Of course, this group would include a multi-function machine having the functions of both, such as a multi-function machine which is both a copier, and a printer, or any other combination thereof.

It is now clear that each independent claim recites that the e-mail is transmitted from one of the recited devices, such as a printer. To the contrary, Naugle, U.S. Patent 5,715,393 discloses that the e-mails are transmitted from a monitor computer 11. While the monitor computer may be used to control and/or monitor a security system, etc., the e-mail is actually being transmitted from the monitor computer, and not from the device itself which is being monitored or controlled. To the contrary, the claims make clear that the e-mail is transmitted from the monitoring device or the machine. The applicant does not acquiesce to a business office device being a general purpose computer. Instead of providing declaration evidence to the contrary, in order to save costs and advance the prosecution of this application, the claims have been amended and now this issue is moot.

Based on the above, each of the claims is allowable over the rejections maintained or instituted by the Board of Appeals, and an allowance is respectfully requested.

Respectfully submitted,

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